

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated March 18, 2009. Reconsideration and allowance of the application in view of the remarks to follow are respectfully requested.

Claims 1, 5-6, 9-20, 22, 28-42, 45-53 are pending in the Application. Claims 1, 20, 28, 30, 33, 40-42, 45-50, are independent claims. The claims are amended in accordance with suggestions provided in the Final Office Action. Accordingly, it is respectfully submitted that no further search is necessitated by the amendments to the claims. Further, these amendments to the claims are provided to place the application in condition for allowance and further place the claims in better form for appeal should such appeal be necessary, by reducing issues that may need be presented in appeal. Accordingly, consideration and entrance of the claims as amended is respectfully requested.

In the Final Office Action, claims 1, 5-6, 9, 11-13, 17, 19-20, 22, 33-42, 47-48 and 50 are rejected under 35 U.S.C. §102(e) over U.S. Patent Publication No. 2002/0123327 to Vataja ("Vataja"). Claims 10 and 49 are rejected under 35 U.S.C. §103(a) over Vataja in view of U.S. Patent No. 6,647,257 to Owensby ("Owensby").

Claims 14-16 and 18 are rejected under 35 U.S.C. §103(a) over Vataja in view of U.S. Patent Publication No. 2002/0032035 to Teshima ("Teshima"). Claims 28-32, 45-46 and 51-53 are rejected under 35 U.S.C. §103(a) over Vataja in view of U.S. Patent No. 6,987,976 to Kohar ("Kohar"). These rejections are respectfully traversed. It is respectfully submitted that claims 1, 5-6, 9-20, 22, 28-42, 45-53 are allowable over Vataja alone and in view of any combination of Owensby, Teshima and Kohar for at least the following reasons.

In the Response to Arguments, the Examiner makes clear that it is his position that the claims need to be amended to be more specific. In accordance with the Examiner's suggestion, the claims are amended herein to substantially recite that "wherein said designated location is a different location from where the sender provided the message ..."

Vataja is clear that the message is sent from the designated location where the recipient receives the message (see, Vataja, paragraph [0025]).

Accordingly, the method of claim 1 is not anticipated or made obvious by the teachings of Vataja. For example, Vataja does not disclose or suggest, a method that amongst other patentable

elements, comprises (illustrative emphasis provided) "obtaining a message provided by the sender; obtaining a location designated by the sender for delivery of said message; tracking a specified mobile object having a position-determining device that determines its own current position, and which transmits its then current position at preset time intervals; determining from the transmitted current position whether the specified mobile object has reached said designated location; and initiating a procedure for automatic delivery of said message electronically to the intended recipient upon said specified mobile object being determined to have reached said designated location, wherein said designated location is a different location from where the sender provided the message; wherein said specified mobile object is identified by the sender, and has a motion characteristic not associated with motion of the intended recipient" as recited in claim 1, and as similarly recited by each of claims 20, 28, 30, 33, 40-42, 45-50. Owensby, Teshima and Kohar are cited for allegedly showing different features and as such, do not cure the noted deficiencies of Vataja.

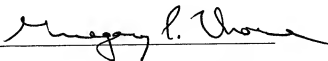
Based on the foregoing, the Applicants respectfully submit that independent claims 1, 20, 28, 30, 33, 40-42, 45-50 are patentable over Vataja and notice to this effect is earnestly

solicited. Claims 5-6, 9-19, 22, 29, 31-32, 34-39 and 51-53 respectively depend from one of claims 1, 20, 28, 30, 33 and 46 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration and allowance of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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